

December 22, 2023

VIA E-MAIL

David P. Buerger, Staff Counsel
Wisconsin Ethics Commission
P.O. Box 7125
Madison, WI 53707-7125

RE: Response to Complaint 2023-ETH-52
Our File: 759.102868

Dear Atty. Buerger:

I represent Jeffrey B. Ings in the above-referenced matter. This letter constitutes my Notice of Representation. Please consider this letter Mr. Ings' response to the above-referenced Complaint. As you will see upon review of this letter, Mr. Ings is formally requesting that the Commission find the above-referenced Complaint to be frivolous for all of the reasons stated herein.

Please note that we cite to the minutes of various Town of Grand Chute Town Board meetings and Town of Grand Chute Joint Sanitary District meetings. The minutes for all of these meetings can be found here: [Grand Chute » Government » Agendas & Minutes » Town Board » Minutes](#) and [Grand Chute » Government » Agendas & Minutes » Sanitary Districts #1, #2, and #3 » Minutes](#).

I. OVERVIEW.

Connie Raether filed an Ethics Commission Complaint ("the Complaint") against Jeffrey B. Ings on behalf of herself and Patti Clark-Stojke alleging as follows:

....that Town of Grand Chute Board Supervisor and Sanitary District Commissioner Jeffrey Ings did use his official position in a way that produced a substantial benefit for himself and his immediate family. (See page 1 of complaint.)

In taking the aforementioned action, Supervisor Jeff Ings violated Wisconsin State Statute, Section 19.59(1)(c)2, by using his office in a way that produced a substantial benefit to himself in the form of resurfacing the road in front of his

residence without incurring the costs associated with installation of water and sanitary sewer. (See page 6 of complaint.)

The referenced Wisconsin Statute provides as follows:

(c) Except as otherwise provided in par. (d), no local public official may:

...

2. Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.

As outlined below, the Complaint has no basis in fact because neither Supervisor Ings nor any member of his family received a substantial benefit, either direct or indirect, in nature. As a result, the Commission should dismiss the Complaint.

Further, Supervisor Ings formally requests that the Commission find the Complaint to be frivolous pursuant to Wis. Stat. § 19.49(2)(b)(1m), for the following reasons:

From the materials cited in the Complaint, Ms. Raether and Ms. Clark-Stojke selected only items they believed supported their allegations, and omitted other portions of documents that did not support their allegations. This evidences the likelihood that the motive for filing the Complaint is political in nature and/or an act of retaliation. Ms. Raether and Ms. Clark-Stojke are politically aligned with a group of individuals who have been involved in series of acts that have been orchestrated against Supervisor Ings, Chairman Jason Van Eperen and Supervisor Ron Wolff in an effort to disrupt the Town of Grand Chute's municipal government operations and to discredit and harm those three elected officials. Because the Complaint is only directed against Supervisor Ings, the information to expose these politically-motivated acts will focus only on actions taken against Supervisor Ings.

II. DISCUSSION.

A. Why Supervisor Ings took action on the matter of the N. Gillett Street Road Improvement Project on September 5, 2023.

As recorded in the meeting minutes of the Grand Chute Town Board meeting on September 5, 2023, Supervisor Ings made the following statement and motion as it pertained to Town Board

agenda item “**H.4. Further discussion and possible action regarding the project scope for street improvements on N. Gillett Street (W. Elsner Rd. – CTH JJ).**”

Supervisor Ings stated that no action was taken [by the Board] earlier this year to reconstruct the road. **Motion (Ings/Wolff) to reclaim and repave and to do so if possible this construction season due to having budgeted funds for the road work.**

Prior to making this motion, Supervisor Ings largely avoided participation in previous discussions involving N. Gillett Street, where he and his family reside, except for occasions when N. Gillett Street was referenced in discussions of potential revisions being proposed to a Town-wide water and sanitary sewer ordinance.

The reason Supervisor Ings changed course to vote on this agenda item was because the other four Board members failed to take any action on a May 2, 2023 Town Board agenda item listed as, “**H.1. Discussion/action regarding utility extensions along N. Gillett Street and authorizing staff to proceed with bidding.**” Supervisor Ings chose not to participate in that agenda topic, as reflected in the minutes for that meeting.

In a political environment recently described by Federal District Court Judge William Conley as a “political firestorm,” Supervisor Ings became concerned that the failure of Town Board Supervisors Brad Gehring and Beth English to act or even discuss the agenda item on May 2, 2023, was motivated by a desire to harm Supervisor Ings, his family and eight other resident families of N. Gillett Street by allowing a badly deteriorated road that had in fact become dangerous to motorists and which was causing excessive wear on vehicles, to continue without repair for at least one more construction season, even though (1) funds had been budgeted for road improvements for the project in the 2023 Town Capital Improvement Plan (CIP); and (2) the Town Board had unanimously decided informally upon a plan of action regarding the extension of utilities along N. Gillett Street at a March 30, 2023 workshop meeting. The decision that had been informally agreed upon, but which needed ratification at a Town Board meeting, was to move forward with road improvements without installing utilities.

Supervisor Ings reasonably believed the Supervisors refused to take action on the N. Gillett Street road reconstruction project at the May 2, 2023 Town Board meeting because they wanted the road to remain in its deteriorated state at least until the 2024 construction season. There is no other logical reason for them not to have taken action on the agenda item if they sincerely believed the road needed to be reconstructed.

Supervisor Ings further believes that the Complaint also constitutes an act of political retaliation for the decision by the Town Board to terminate the employment of then-Town Administrator James March at the Town Board meeting on May 2, 2003. Complainant Connie Raether appears to be a political ally of Supervisor Gehring, who opposed March's termination.

Supervisor Ings' concern about the May 2, 2023 actions of Supervisor Gehring and Supervisor English being an act of retaliation was confirmed at the September 5, 2023 Town Board meeting when both Supervisors strenuously objected to Supervisor Ings' motion to reclaim and repave N. Gillett Street instead of reconstructing the road, which had been the direction desired by Town staff. The objection raised by Supervisors Gehring and English at the September 5, 2023 Town Board meeting, was that N. Gillett Street should be reconstructed rather than a project to reclaim/repave. In their objection, they did not express any concern about proceeding with road improvements without extending utilities. This shows that the Board remained unanimous in its direction not to extend utilities to this section of road. It also validates that Supervisor Ings was not acting with self-interest in participating in the N. Gillett Street agenda item.

While it appears, in retrospect, that a majority of the Board did not agree with staff direction regarding the need to reconstruct the road, it is very likely that the original approach would have easily been passed at the May 2, 2023 Town Board meeting if a motion had been made to "reconstruct the road without extending utilities." Funds had already been budgeted for that purpose. However, neither Supervisor Gehring nor Supervisor English were willing to make a motion to reconstruct the road. Neither of them even made an attempt to discuss the project. The fact that they would refuse to discuss the N. Gillett Street project on May 2, 2023, and then object to the action proposed by Supervisor Ings on September 5, 2023 is disingenuous.

As background, the Town initially planned to reclaim and repave N. Gillett Street in 2016. At that time, the surface on this collector road was already badly damaged from heavy construction vehicle usage incurred as the surrounding area developed. Many considered it to be the roughest road in the Town. Yet eight years passed and there was no action to fix the road. In Board discussions about the need to repair the road it was stated that it was becoming unsafe to drive on. Evidence that safety issues existed includes that In December 2021, a utility trailer became disconnected from the hitch of a service truck near the south end of the deteriorated section of road after traveling from the north end of that section of road. The trailer crossed the center of the road and destroyed a mailbox stand and three mailboxes. A police report is on file for this incident and is available upon request. Residents of this section of road have also expressed that it has been causing excessive wear and damage to their vehicles. In addition, Town residents and others have stated that they avoid driving on this section of N. Gillett Street because of its roughness. This practice of avoidance resulted in vehicles using alternative routes. Most frequently, the alternative route mentioned was Indigo Lane, a nearby residential street. Finally, performing snow removal on this section of N. Gillett Street likely caused additional wear and damage to Town equipment.

For Supervisors Gehring and English to refuse to take action on May 2, 2023, and then to object to the action proposed by Supervisor Ings on September 5, 2023, represents unacceptable behavior. In an email to Town Clerk Kayla Raatz, Chairman Jason Van Eperen and Interim Administrator Jeff O'Dell dated September 6, 2023, which is attached as Exhibit 1, Supervisor Ings shared his concern that the objections voiced by Supervisors Gehring and English on September 5, 2023, after failing to act on the May 2, 2023 agenda item concerning N. Gillett Street, provides strong evidence that their failure to act on May 2, 2023 was for political reasons, and that their intent was to harm him and other residents on N. Gillett Street.

B. Supervisor Ings received four legal opinions confirming he did not have a conflict of interest in advance of his vote on September 5, 2023.

Before participating in the agenda item for N. Gillett Street on September 5, 2023, Supervisor Ings sought and received a total of four legal opinions to ensure that his participation did not constitute a conflict of interest.

1. Legal Opinion 1 provided by Attorney Steve Sorenson concerning a potential conflict of interest regarding Supervisor Ings' participation in a Town-wide water and sanitary sewer ordinance.

On May 22, 2023, the Town Board (absent Supervisor Gehring who chose not to attend) participated in a Board educational workshop organized by Town Clerk Kayla Raatz. The presenter was Attorney Steve Sorenson, an experienced municipal attorney with the firm of Von Briesen and Roper, S.C. During a portion of the workshop on the topic of ethics, Supervisor Ings asked Attorney Sorenson whether he would have a conflict of interest if he would discuss or vote on a water and sewer ordinance and policy statement for the Town as a whole. Supervisor Ings stated that the question was based on the street where he resides being on the schedule to be worked on in the near future. He indicated that water and sewer service will be part of the discussion.

Attorney Sorenson responded that Supervisor Ings would not have a conflict of interest unless he would benefit individually in a way that is different than others in the Town would benefit from a new water and sewer ordinance and policy statement. Attached as Exhibit 2 is a copy of an email exchange between Supervisor Ings and Attorney Sorenson memorializing the advice that was given by Attorney Sorenson. (Note: No meeting minutes were kept for this workshop and no audio recording was made.)

In voting on N. Gillett Street on September 5, 2023, Supervisor Ings did not stand to benefit in a way that would be different than how others in the Town would benefit from a new water and sewer ordinance. Further, Supervisor Ings relied on Attorney Sorenson's legal opinion that he did

not have a conflict of interest regarding his participation in discussions of a Town-wide water and sanitary sewer ordinance.

2. Legal Opinion 2 provided by Attorney Steve Sorenson concerning a potential conflict of interest regarding Supervisor Ings' participation in actions regarding N. Gillett Street.

On May 25, 2023, Supervisor Ings asked Attorney Sorenson a follow-up question regarding N. Gillett Street. He questioned whether he would have a conflict of interest if he discussed or voted on his street of residence. He stated that there have been preliminary discussions on the topic, for which he had been excusing himself. As additional background, Supervisor Ings related that he was one of about 10 property owners who will be affected by the street project. Attorney Sorenson's response dated May 25, 2023, which is attached as Exhibit 3, was as follows:

Again the issue is if you are attempting to use your position to gain an advantage that others in the Town who are not on the Town Board would not likely receive. As long as your discussion deals with issues that are uniform to the other 10 people on the road and would be similar to any other rural road in the town there is nothing to prevent your participation.

If you previously excused yourself that does not now mean you cannot participate after you have discussed with legal counsel. I would certainly acknowledge the fact that you live on the road but so do 9 other families and the road is open to the general public. As long as there is no attempt to put your road ahead of others, or put a special coating on your road, or not follow general assessment policies you will have no problem legally. What I cannot tell you is that some people who do not know the law or who do not care what the law says will not raise the issue of conflict. Naysayers really do not care what is correct. They only care about what they want.

Because Supervisor Ings was not using his position to gain an advantage that others not on the Town Board would not receive, and because the issues involved were uniform for all residents of N. Gillett Street, Supervisor Ings again relied on Attorney Sorenson's legal opinion moving forward that he did not have a conflict of interest regarding his participation in discussions involving road improvements on N. Gillett Street including his vote on September 5, 2023.

3. Legal Opinion 3 provided by Attorney Charles Koehler concerning a potential conflict of interest regarding Supervisor Ings' participation in a Town-wide water and sanitary sewer ordinance.

Although Supervisor Ings already had obtained legal opinions related to potential conflict of interest issues from Attorney Sorenson, he also decided to make inquiries about the issue of a potential conflict of interest with Town attorneys Charles Koehler and Andy Rossmeissl of the Herring Clark law firm.

First, on May 25, 2023, Supervisor Ings inquired with Attorney Koehler about whether he was able to participate in discussions and actions regarding a Town-wide water and sewer ordinance. Attorney Koehler responded to this inquiry by citing numerous different possible scenarios and positions that could be taken. However, after learning about the opinion Attorney Sorenson had provided, Attorney Koehler responded by email dated May 26, 2023, which is attached as Exhibit 4, stating in relevant part:

It is always nice to know when another attorney comes to the same conclusion in a second opinion situation similar to medical advice from two doctors.

This is especially true when it involves an issue that could be viewed two different ways from a somewhat ambiguous statute, which contains minimal clarity and guidance, such as the one we have to try to follow in a situation like this.

Based on Attorney Koehler's affirmation of Attorney Sorenson's legal opinion, Supervisor Ings concluded that he did not have a conflict of interest regarding his participation in discussions of a Town-wide water and sanitary sewer ordinance.

4. Legal Opinion 4 provided by Attorney Andy Rossmeissl concerning a potential conflict of interest regarding Supervisor Ings' participation in actions regarding N. Gillett Street.

On September 3, 2023, Supervisor Ings asked Interim Town Administrator Jeff O'Dell to inquire with Town Attorney Andy Rossmeissl about obtaining a legal opinion in regards to a potential conflict of interest if he were to participate in the upcoming September 5, 2023 Town Board agenda item concerning N. Gillett Street. Attorney Rossmeissl provided the following opinion as outlined in his email dated September 5, 2023, which is attached as Exhibit 5:

From what I know (and from what I have come to learn in the case of Jeff Ings – that he is the owner of one of about ten houses abutting a road due for rehabilitation or reconstruction), I do not believe that there is a conflict.

This opinion is seemingly consistent with Attorney Sorenson's opinion and previous opinions drafted by Chuck Koehler.

I may have unintentionally created confusion in the past by explaining that "some officials choose to recuse themselves even if they don't have to, to avoid the appearance of a conflict." Although this is true, Jeff is not bound to recuse himself now for this reason even if he has in the past. The same would be true for the Chairman.

Based on Attorney Rossmeissl's opinion, and because of the consistency between Attorney Rossmeissl's opinion and those of Attorney Sorenson and Attorney Koehler, Supervisor Ings was confident that his participation in the agenda item involving N. Gillett Street would not result in any conflict of interest.

C. The Complaint against Supervisor Ings is fundamentally flawed.

1. Neither Supervisor Ings nor any member of his family received a substantial benefit.

Complainants allege that Supervisor Ings used "his office in a way that produced a substantial benefit to himself in the form of resurfacing the road in front of his residence without incurring the costs associated with installation of water and sanitary sewer." To the contrary, neither Supervisor Ings nor any member of his family received a benefit. Neither Complainant identifies any legitimate benefit received by Supervisor Ings and/or his family. They claim the benefit supposedly received was that Supervisor Ings and his family did not have to pay the costs associated with the installation of water and sanitary sewer. If water or sewer facilities were not installed, there would be no reason to charge Supervisor Ings and his family for those facilities, just like there would be no reason to charge other residents of N. Gillet St. who also did not receive these facilities. Thus, no benefit was received by Supervisor Ings or his family.

Interestingly, Ms. Raether resides on a road that also does not have municipal water service. This road is located in a section of Grand Chute that is part of what is known as the City of Appleton Urban Growth Corridor. Because Ms. Raether resides in this growth corridor, she has had, and continues to have, the right to petition to have her home annexed to the City of Appleton. By annexing to the City, Ms. Raether could also then petition to have water service extended to her residence. To date, Ms. Raether has elected not to have her property annexed to the City of Appleton, preferring instead to remain a resident of the Town. Just like Supervisor Ings, Ms. Raether does not receive a substantial benefit by not having to pay for water service.

Further, Ms. Raether's residence is one of about 600 homes that are located within the City of Appleton Growth Corridor. The Town of Grand Chute has not and will not install water or sanitary

sewer facilities in the future to these islands of property owners that prefer to remain a part of Grand Chute rather than annex to Appleton.

Supervisor Ings is one of two Grand Chute Board Town members who have been primary authors and promoters of revising the Town's water and sanitary sewer ordinance to attempt to eliminate many inconsistencies that exist in the current ordinance and policies, including inconsistencies involving the lack of fairness that exists between property owners located within the Appleton Growth Corridor and residents located throughout the remainder of the Town.

To summarize, Supervisor Ings and his family did not receive treatment that is any different than the treatment received by a large number of the Town property owners. Neither did Supervisor Ings nor his family received treatment that was different than any other property owner located along N. Gillett Street. In fact, contrary to the allegation in the Complaint, no benefit connected with water and sanitary sewer facilities was involved in the decision regarding the road surface treatment of N. Gillett Street.

2. Complainants selectively omitted material facts in order to support a personal political agenda.

Ms. Raether and Ms. Clark-Stojke reference many statements made in discussions of the Grand Chute Joint Sanitary District Commission and/or Town Board regarding a revised water and sanitary sewer ordinance, and also about the question of providing water and sanitary sewer service to N. Gillett Street in conjunction with planned improvements to the road. However, in their Complaint, they often selectively omitted key statements made in those meetings that do not match their desired narrative, which appears to be a desire to discredit Supervisor Ings because of political differences. These omissions evidence the political motivation underlying the Complaint.

The first example of such omissions occurred when Ms. Raether and Ms. Clark-Stojke reference a comment made by Supervisor Ings at the February 7, 2023 Joint Sanitary District meeting concerning agenda item **"H.1. Authorization to begin Town-Initiated attachment of properties to Sanitary Districts No. 1 and No.2 along N. Gillett Street between W. Elsner Road and W. Edgewood Drive."** The Complaint included only a selected portion of a statement made by Supervisor Ings. The Complaint included the following wording:

as a resident of Gillett Street, [Commissioner Ings stated] he would not be voting. He then said he wanted to point out several things. Among them, he said, if property owners [of which he was one] do not want sewer and water, it does not make sense to attach the properties. He also said, if it was necessary to attach the properties, it should be done on a contingency basis, and if the property owners individually say yes to sewer and water.

However, the complete statement of Supervisor Ings, as recorded in the official meeting minutes reads as follows (bold is what was omitted by Complainants):

Commissioner Ings stated that as a resident of Gillett Street he would not be voting, but he wanted to point out several things. **The first being that it would be helpful for the property owners to know what the cost of municipal services would be before the parcels were attached.** If the property owners do not want sewer and water it does not make sense to attached the properties. Additionally, if it was necessary to attach the properties it should be done on a contingency basis and if the property owners individually say yes to sewer and water. **He stated it was not just about Gillett Street. The Commission needs to determine what they want to do with sewer and water costs. If there is a cost to the property owner they need to determine a methodology of calculating the amount that is compliant with Wis. Stat. 66.0703. Lastly, he asked that the Commission finalize the water and sewer ordinance before moving forward with any project.**

Ms. Raether and Ms. Clark-Stojke strategically omitted Supervisor Ings' statements about the need to establish a Town-wide water and sanitary sewer ordinance prior to attempting to make any decisions about how to address utility installations on any given Town road, including N. Gillett Street.

A second example wherein Ms. Raether and Ms. Clark-Stojke conveniently omitted referencing important meeting minute information in their Complaint involved the September 6, 2022 Joint Sanitary District meeting which included an agenda topic titled, "**H.1. Discussion/possible action on concept for changes to the Municipal Code, Sewer and Water Chapters, and the Special Assessment Policy as it relates to sanitary sewers and water mains.**" Ms. Raether and Ms. Clark-Stojke entirely omitted the discussion from this meeting in their Complaint. During discussions on this agenda item, Supervisor Gehring accused Supervisor Ings and Chairman Van Eperen of having conflicts of interest that precluded them from participating in any revisions to the Town Municipal Code as it relates to water and sanitary sewer.

This was not the first or last time Supervisor Gehring made accusations of a conflict of interest against Supervisor Ings as it relates to this Town-wide Municipal Code topic. The meeting minutes from this September 6, 2022 meeting, reflect that Supervisor Ings asked Supervisor Gehring what the conflict of interest was for him, and Supervisor Gehring responded "*the conflict would be that property owners that own and maintain a private well and septic system can continue to use them as long as they remain compliant....*" This was a direct reference to the fact that Supervisor Ings has a private well and septic system at his family residence on N. Gillett Street. The minutes further reflect that "Supervisor Ings asked Supervisor Gehring if he was familiar with the urbanization plan (sic) of the Town and stated that he did not have a conflict of

interest....Supervisor Ings quoted a portion of the urbanization plan (sic).” (Note: The term urbanization plan should have been described as urbanization policy.)

Complainants should have reviewed the Town urbanization policy to understand why Supervisor Ings quoted a portion of it in response to Supervisor Gehring’s allegation of a conflict of interest. Had they reviewed the urbanization policy prior to submitting their complaint, they would have found that it provides an exemption to qualifying property owners from the requirement to urbanize their properties. The property owners along N. Gillett Street, including Supervisor Ings and his family, met the exemption qualifications and had already previously informed the Town that they did not want the road to be urbanized. Their actions were in accordance with the Town urbanization policy. Therefore, as recorded in the meeting minutes of the September 6, 2022, Joint Sanitary District meeting, Supervisor Ings notified Supervisor Gehring that he had no conflict of interest. For Complainants to simply disregard that relevant information in filing their Complaint further evidences that their Complaint was politically motivated, and not based on applicable facts.

Note that in their Complaint, Ms. Raether and Ms. Clark-Stojke included a reference to resident input provided by N. Gillett Street property owner John Winkler at the January 17, 2023 Joint Sanitary District meeting regarding utility costs for N. Gillett Street. The statement they attributed to Mr. Winkler came from an audio tape recording of the meeting. While Mr. Winkler was interested in knowing the cost to property owners of installing utilities, neither he nor any other property owner along N. Gillett Street petitioned the Town to install utilities after being provided information about potential cost estimates.

As the Complainants were apparently familiar with how to make an open records request for an audio-recorded Town meeting, they easily could have requested the recording of the September 6, 2022 Joint Sanitary Commission meeting and listened to the portion of the urbanization policy that supported why Supervisor Ings expressed that he did not have a conflict of interest. Again, Complainants failed to take this reasonable action because it would have nullified the rationale supporting their complaint filing.

Prior to filing the Complaint, Ms. Raether and Ms. Clark-Stojke also could have contacted Supervisor Ings and directly asked him why he believed he did not have a conflict of interest. Their failure to do so is likely because of a political affiliation that at least Ms. Raether has with Supervisor Gehring as outlined below, the Complainants only motivation for the Complaint appears to be to attempt to discredit Supervisor Ings.

A copy of the Town of Grand Chute Policy for Urban Roadways dated September 6, 2008, is attached as Exhibit 6. The last paragraph which supports that Supervisor Ings does not have a conflict of interest as it pertains to participation in matters related to the installation of Town-wide

water and sewer facilities, including water and sewer facilities on N. Gillett Street, reads as follows:

A roadway may be exempt from urbanization if the majority of the parcels along the roadway that is planned for reconstruction are larger than 0.5 acres and have frontage greater than 150 feet (lots with a cul de sac bulb may be omitted from the determination for a majority).

The fact that the property owners along N. Gillett Street, including Supervisor Ings and his family, qualify for the long-standing Town urbanization exemption, and because the property owners had previously informed the Town that there was no interest in having the road urbanized, is additional evidence that Supervisor Ings did not have a conflict of interest as it concerns participating in the discussion and action of potential revisions to the Town-wide water and sewer ordinance, regardless of Supervisor Gehring's attempts to shut Supervisor Ings out of that discussion. Similarly, because the property owners of N. Gillett Street already informed the Town they wanted to utilize the urbanization exemption that was available to them, any decision of the Board to extend utilities to N. Gillett Street would have run afoul of Town policy. This, again, shows that Supervisor Ings did not create a benefit for himself or his family.

As it pertains to the potential installation of water and sanitary sewer for Gillett Street, in discussions of a Town-wide water and sanitary sewer ordinance revision, Supervisor Ings did not lobby for or against the installation of utilities. He only encouraged Supervisor Gehring to read the Town urbanization policy to understand why he did not have a conflict of interest. The fact that Complainants elected to selectively pluck statements from Town meeting minutes to fit their political agenda of attempting to discredit Supervisor Ings further reveals that their Complaint was politically motivated and frivolous.

3. Complainants admit that the Town Board had already informally decided unanimously not to extend water and sanitary sewer on N. Gillett Street, and therefore Supervisor Ings' motion did not address the topic of installing water and sanitary sewer utilities on N. Gillett Street.

The Complainants admit the following statement was made at the March 30, 2023 Town Board workshop:

Upon conclusion of the "policy" discussion, the Board formally took up the issue of utilities on N. Gillett Street. There was virtually no discussion. The minutes simply state, "The Board agreed on no utilities for Gillett Street and would like to formalize that at a future Board meeting." (See Complaint pg. 4, Para. 6.)

Thus, Complainants acknowledge that the Board as a whole decided not to install utilities on N. Gillett Street. While that decision was yet to be ratified at a future Board meeting, Complainants were aware of the direction of the Board. Yet Complainants filed the Complaint even though Supervisor Ings' motion regarding N. Gillett Street did not include any reference to any action regarding municipal utilities for N. Gillett Street. This, again, evidences that Supervisor Ings did not create a benefit for himself or his family, or otherwise receive any substantial benefit as a result of his motion or vote on September 5, 2023, regarding roadwork to be performed on N. Gillett Street.

4. No Town board member objected to Supervisor Ings' proposal that N. Gillett Street would not include the installation of water and sanitary sewer.

Although Supervisors Gehring and English objected to Supervisor Ings' motion to repair N. Gillett Street by a process of reclaiming and repaving the surface rather than completely reconstructing the road, they did not object to the fact that water and sanitary sewer facilities were not being included. This fact further supports that the decision to omit water and sanitary sewer facilities on N. Gillett Street was an action that was supported by the entire Board. It was not an action taken independently by Supervisor Ings to gain a personal benefit.

D. The Complaint is frivolous.

The Complaint is frivolous for the following reasons:

1. As outlined above, the Complaint is baseless and unwarranted, and Complainants purposely chose to burden the Ethics Commission with information for political reasons only. This meets the definition of a legal action that is frivolous – one that has no purpose or value. As outlined above, the likely purpose of the Complaint was to attempt to discredit and defame Supervisor Ings by providing the Commission with twisted and self-serving information about his actions.
2. There is evidence to support that Ms. Raether, and Ms. Clark-Stojke, are aligned politically with a group of people that includes former Town Chair Dave Schowalter, Supervisors Gehring and English, and others that oppose Supervisor Ings, Chair Van Eperen and Supervisor Wolff. This evidence can be shared, if requested by the Commission.
3. Ms. Raether was upset that the Grand Chute Board terminated the employment contract of James March as Town Administrator. Mr. March was backed by Supervisors Gehring and English. Supervisor Ings voted to terminate Administrator March. As proof of Ms. Raether's discontentment with the termination vote, immediately

thereafter, between April 12, 2023 and June 29, 2023, Ms. Raether sent Supervisor Ings four email messages expressing concern about his actions. She sent two other emails to the full Board in which she chastised the actions of those who ended up not supporting the retention of Administrator March. In one of the emails, she alludes to an affiliation with Supervisor Gehring. Copies of these emails can be provided, if requested by the Commission.

4. Supervisor Ings has been the target of extreme public political attacks conducted by individuals having either a known or suspected relationship with Supervisor Gehring.
5. Further evidence of the political motives behind the Complaint is that even as recent as this week, the media have given substantial attention to this Complaint even before Mr. Ings filed his response. [Ethics complaint filed against Grand Chute Town Supervisor | WHBY](#) The likely source of this media article is the Complainants or their allies.

There is a faction of individuals within the Town of Grand Chute who are upset that Supervisor Ings, Supervisor Wolff and Chairman Van Eperen were elected to the Town Board. All three were elected primarily because they stood up for change to eliminate a long-standing practice of the Town to specially assess for improvements to Town roads which a majority of voters felt was unfair and financially overburdening. These three elected officials have been subjected to undeserved rath by residents who supported the previous administration and Supervisor Gehring who is affiliated with members of the previous Board. (Note: Supervisor Gehring, a long-time political officeholder in Outagamie County, provided financial and other campaign support to newly-elected Supervisor Beth English.) Ms. Raether signed the nomination papers of Supervisor Beth English on December 10, 2022.

Finally, an individual(s) who was on the previous Town Board, and others who support him, routinely circulates information and/or organizes meetings against Chairman Van Eperen and Supervisors Wolff and Ings in an almost ongoing manner. (See [Exhibit 7](#) and [Exhibit 8](#).) In addition, Chairman Van Eperen and Supervisor Ings were falsely accused on multiple network television news casts, and local radio broadcasts of being the subjects of search warrants issued by the Wisconsin Department of Justice. As evidence, see:

<https://www.wbay.com/video/2022/03/22/watch-dci-executes-search-warrants-homes-three-grand-chute-town-board-members/>

The reports were false. However, someone operating in the shadows who had enough public standing to be considered a credible informant by the media was responsible for providing that false information. The Complaint represents yet another attack on Supervisor Ings.

III. CONCLUSION.

For the foregoing reasons, Supervisor Ings respectfully requests the Commission dismiss the Complaint for lack of reasonable suspicion, and find the Complaint to be frivolous and order the Complainants to pay the greater of \$500.00 or the expenses incurred by the Commission, pursuant to Wis. Stat. § 19.49(2)(b)(1m).

Sincerely,

AXLEY BRYNELSON, LLP



Lori M. Lubinsky

LML:kjb

Attachments (**Exhs. 1-8**)

cc: Jeff Ings – Via Email